



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD


Application Serial No.:	76127133
Application Filing Date:	September 14, 2000
Mark:	DIGITAL OILFIELD
Owner/Applicant:	Digital Oilfield Inc.
Attorney's Reference:	DIGI6002/TJM

REQUEST FOR RECONSIDERATION

TTAB

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Madam:


11-22-2006
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Applicant requests reconsideration of the Order dated October 24, 2004 (referred to below as the "Order"). The Order acknowledges receipt of the Notice of Appeal and the related U.S. government fee there were filed on October 6, 2006, which is within six months after the final Office Action dated April 10, 2006 (referred to below as the "Second Final Office Action"). The Second Final Office Action alleges that the mark is generic and, therefore, incapable of registration on the Supplemental Register.

The Order takes the position that the present application is abandoned because a Notice of Appeal and the related U.S. government fee should have been filed within six months after the final Office Action dated April 1, 2005 (referred to below as the "First Final Office Action"). The First Final Office Action alleged that the mark is merely descriptive of the goods and services and, therefore, prohibited from registration on the Principal Register by Section 2(e)(1), 15 U.S.C.

REQUEST FOR RECONSIDERATION
U.S. Application No. 76127133

§1052(e)(1). Applicant did not file a Notice of Appeal in response to the First Final Office Action. However, Applicant did file an amendment to the Supplemental Register on September 20, 2005, which is within six months after the First Final Office Action.

Applicant submits that amendment of the application on September 20, 2005, from the Principal Register to Supplemental Register, was fully responsive to the First Final Office Action. After a final refusal to register on the Principal Register, an amendment requesting registration on the Supplemental Register "is a procedurally acceptable response." TMEP §816.04 (April, 2005). "An amendment to the Supplemental Register after refusal presents a new issue" *Id.*

Applicant timely and properly responded to the first Final Office Action. This was acknowledged by two subsequent Office Actions. The Office Action dated October 20, 2005, acknowledges the amendment to the Supplemental Register on September 20, 2005, and objects to the mark as alleged generic and incapable of registration on the Supplemental Register. On March 22, 2006, Applicant filed a timely response to the Office Action dated October 20, 2005. This was considered by the Examining Attorney, and resulted in the second Final Office Action dated April 10, 2006.

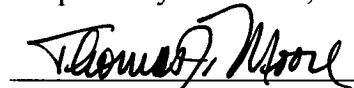
REQUEST FOR RECONSIDERATION
U.S. Application No. 76127133

Applicant respectfully submits that the appeal should proceed.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: 703-683-0500
Fax: 703-683-1080
E-mail: mail@baconthomas.com
Date: November 22, 2006

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas J. Moore", written over a horizontal line.

Thomas J. Moore
Owner's Attorney